

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.03 Crabs

Authority: Natural Resources Article, §§4-215 and 4-803, Annotated Code of Maryland

Notice of Proposed Action

[19-001-P]

The Secretary of Natural Resources proposes to amend Regulations .03, .06, and .11 under **COMAR 08.02.03 Crabs**.

Statement of Purpose

The purpose of this action is to make clarifications in regulatory text for blue crabs so that everyone understands what is intended by the regulations.

The proposed action modifies Regulation .03 to clarify terminology in the trotline regulation. Currently, a trotline is required to have floats attached to each end, and each float must be marked with the owner’s identification. The regulation uses the terms float and buoy. The proposed action changes the term float to buoy to clarify the language and to be consistent with other blue crab regulations that require marking of buoys.

The proposed action modifies Regulation .06 to make it clear that §B(2) applies to recreational crabbing in the coastal bays of the Atlantic Ocean and their tributaries. The regulation states that if two or more individuals are on a boat, not more than any combination of 25 collapsible traps and net rings may be set per boat. The proposed action makes it clear that the statement should only apply to recreational harvest.

The proposed action modifies Regulation .11 to make it clear which gears may be used at certain time periods during the season. Handlines, dip nets, and properly registered crab pots may be used at

all times during the season. All other gear has limits on the times that you may set it and times that you can catch crabs.

The proposed action clarifies regulatory text. Clarifying the text does not change the Department’s interpretation or enforcement of these regulations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Blue Crab Clarifications, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through February 19, 2019. A public hearing will be held on January 29, 2019, at 2 p.m., at the Tawes State Office Building, 580 Taylor Avenue, C-1 Conference Room, Annapolis, MD 21401. Interested persons are invited to attend and express their views. Anyone needing special accommodations under Title II of the Americans with Disabilities Act of 1990, as amended, or under Title VI of the Civil Rights Act of 1964, should contact the Department of Natural Resources Office of Fair Practices at 410-260-8058 or at richard.allen@maryland.gov, at least 3 working days (72 hours) prior to the scheduled public hearing.

.03 Trotlines.

A.—D. (text unchanged)

E. [Float] *Buoy* Requirements.

(1) A trotline shall have a [float] *buoy* of the same color, size, and shape attached to each end.

(2) [Floats] *Buoys* that have a round or spherical shape shall be at least 12 inches in diameter.

(3) [Floats] *Buoys* that do not have a round or spherical shape shall be at least 12 inches long and 10 inches wide.

(4) [Floats] *Buoys* shall be marked with [a buoy bearing] the owner's:

(a)—(c) (text unchanged)

.06 Collapsible Crab Traps and Crab Net Rings.

A. (text unchanged)

B. In the coastal bays of the Atlantic Ocean and their tidal tributaries:

(1) (text unchanged)

(2) If two or more individuals are *catching or attempting to catch crabs for recreational purposes* on a boat, not more than any combination of 25 collapsible traps and net rings may be set per boat.

C.—D. (text unchanged)

.11 Season and Time for Catching Crabs.

A. (text unchanged)

B. Recreational.

(1) Except [for handlines and dipnets] *as provided in §B(2) of this regulation*, a person may not set any recreational crabbing gear or catch crabs for recreational purposes [from a boat] during:

[(1)] (a) May through September between:

[(a)] (i) (text unchanged)

[(b)] (ii) Sunset and 1/2 hour before sunrise in tidal

[waters tributary to] *tributaries* of the Chesapeake Bay; and

[(2)] (b) April, October, November, and December between:

[(a)] (i) (text unchanged)

[(b)] (ii) Sunset and 1/2 hour after sunrise in tidal [waters tributary to] *tributaries* of the Chesapeake Bay.

(2) *Crab pots, dip nets, and handlines. At all times during the recreational season for crabbing, a person may use:*

(a) *Crab pots on private property that have been registered in accordance with Regulation .09 of this chapter;*

(b) *Dip nets; or*

(c) *Handlines.*

C. (text unchanged)

MARK J. BELTON
Secretary of Natural Resources

Title 09

**DEPARTMENT OF LABOR,
LICENSING, AND
REGULATION**

**Subtitle 23 BOARD FOR
PROFESSIONAL ENGINEERS**

09.23.01 Procedural Regulations

Authority: Business Occupations and Professions Article, §§14-205 and 14-208, Annotated Code of Maryland

Notice of Proposed Action

[19-002-P]

The State Board for Professional Engineers proposes to amend Regulation .04 under **COMAR 09.23.01 Procedural Regulations**. This action was considered by the Board at a public meeting held on November 8, 2018, notice of which was published on the Board's website pursuant to General Provisions Article, §3-302 (c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update regulations with regard to licensing examinations by specifying that (1) all applicants to take or retake the Fundamentals of Engineering Examination must apply directly to the National Council of Examiners of Engineering and Surveying; (2) all applicants to take or retake any of the Principles and Practice (PE) examinations must apply directly to the Board for Professional Engineers; and (3) applicants who fail any PE examinations three times must provide evidence of updated experience or education. In addition, the regulations delete references to outdated examination procedures applicable to the pencil-and-paper examination delivery mode.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Steve Long, Executive Director, Professional Design Boards, Department of Labor, Licensing, and Regulation, 500 N. Calvert Street, Baltimore, MD 21202, or call 410-230-6262, or email to steve.long@maryland.gov, or fax to 410-962-8483. Comments will be accepted through February 19, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board for Professional Engineers during a public meeting to be held on February 14, 2019, at 500 North Calvert Street, Baltimore, MD 21202.

.04 Examinations.

A. (text unchanged)

B. An applicant shall apply directly to NCEES to take *or retake* the Fundamentals of Engineering examination [(the FE examination) only if the applicant has graduated from a college or university on completion of the Board-approved curriculum in engineering].

[C. An applicant who does not satisfy the criteria set forth in §B of this regulation and who wishes to take the FE examination shall apply to the Board for the Board's review of the application. The Board shall have up to 90 calendar days to review and act on a FE examination application.

D. Applications to retake FE examinations shall be governed by the policies and procedures of NCEES, as they may be amended or updated from time to time.]

[E.] C. An applicant to take *or retake* any of the Principles and Practice of Engineering examinations (the PE examination) [must file a complete application with the Board no later than 120 calendar days before the next applicable PE examination date] *shall apply directly to the Board*. Applications which are not complete in all respects, as detailed in the most current application form, will not be reviewed by the Board.

[F. Applications to retake any PE examination shall be submitted for the Board's review at least 60 days before an examination date.]

[G.] D. An applicant who fails any PE examination three times may take the examination again only if the applicant complies with the requirements set forth in Business Occupations and Professions Article, §14-309, Annotated Code of Maryland, and submits to the